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*Attorney for Petitioner Roger Randolph

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Roger Randolph,

13 Petitioner,

14 v.

15 Renee Baker, *et al.*,

16 Respondents.

Case No. 2:18-cv-00449-RFB-VCF

**Unopposed motion for extension of
time to file an opposition to motion
to dismiss**

(SECOND REQUEST)

1 Petitioner Roger Randolph moves this Court for the entry of an order
2 extending the time within which he must file an opposition to motion to dismiss by
3 60 days from September 12, 2022, to and including November 11, 2022. The State,
4 by Senior Deputy Attorney General Erica Berrett, does not object to this request.

5 This motion is not filed for the purposes of delay but in the interests of
6 justice, as well as in the interests of Randolph.

7 Respondents filed a renewed motion to dismiss Randolph's second amended
8 petition on June 15, 2022.¹

9 Counsel's schedule and circumstances beyond her control have prevented her
10 from drafting Randolph's opposition to motion to dismiss by September 12, 2022.
11 Counsel travelled to Carson City from July 26-July 27 for a parole hearing. Counsel
12 was out of the office on annual leave from July 28th to August 2nd, and August 4th to
13 August 6th. In addition, counsel has had the following deadlines and filings: (1) a
14 motion to stay in *Pritchett v. Gentry*, case no: 2:17-cv-01694-JAD-DJA on August 9,
15 2022; (2) a motion to stay in *Hawkins v. Johnson*, case no: 2:20-cv-01852-JAD-VCF
16 on August 17, 2022; (3) a state petition in *Coca v. State* in the Fourth Judicial
17 District Court on August 19, 2022; (4) an opposition to motion to dismiss in *Allen v.*
18 *Gittere*, case no: 3:21-cv-00141-ART-CSD on August 22, 2022; (5) a certificate of
19 appealability in *Garza v. Hutchings*, case no: 22-16082 on August 23, 2022; (6) a
20 reply brief to the Ninth Circuit in *Kelsey v. Baker*, case no: 22-15557 on August 29,
21 2022; a (7) a supplemental reply to supplemental answer in *Marks v. Johnson*, case
22 no: 2:17-cv-01413-JCM-BNW on September 1, 2022; (8) an opposition to motion to
23 dismiss in *Wolff v. Williams*, case no: 2:20-cv-00494-JAD-EJY on September 8, 2022.

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27 ¹ ECF No. 62.

1 In addition, an attorney who is new to the Federal Public Defender Office will
2 be entering a notice of appearance in Randolph's case. She will need time to review
3 Randolph's case before working on the opposition to motion to dismiss.

4 For these reasons, counsel respectfully asks this Court to grant Randolph's
5 request to extend the time for filing an opposition to motion to dismiss by 60 days
6 until November 11, 2022.


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9 Dated September 12, 2022.

10 Respectfully submitted,

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12 Rene L. Valladares
13 Federal Public Defender

14 /s/ Kimberly Sandberg
15 Kimberly Sandberg
16 Assistant Federal Public Defender

17 IT IS SO ORDERED:

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20 **RICHARD E. BOULWARE, II**
21 **United States District Court**

22 DATED this 13th day of September, 2022.
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